

**City of Fayetteville**  
**Regular Mayor and City Council Meeting**  
**Minutes**  
**August 3, 2006**

**Call to Order**

The Mayor and City Council of Fayetteville met in regular session on Thursday, August 3, 2006 at 7:00 p.m. in the Council Chambers at City Hall. Mayor Steele called the meeting to order and led those attending in the Pledge of Allegiance to the Flag. Council members present were: Glenn Brewer, Larry Dell, Paul Oddo, Jr., Wilson Price and Walt White. Staff members present were City Manager Joe Morton and City Clerk Judy Stephens.

White moved to approve the minutes of the Regular Council Meeting of July 20, 2006. Dell seconded the motion. The motion carried unanimously.

Dell moved to approve the minutes of the called meeting of July 27, 2006. Price seconded the motion.

For motion: Price, Dell, Brewer, Oddo

Abstained: White

Motion carried.

**Public Hearings:**

Mayor Steele called Public Hearing and 1<sup>st</sup> Reading on Proposed Ordinance #0-10-06 – Amendment to the Traffic and Vehicle Ordinance section 82-260 through section 82-267 to address Golf Carts.

Eldridge Gunn, Director of Planning and Zoning stated that staff is continuing to meet and research information for the proposed amendment to allow and provide safe guidelines for the operation of motorized carts (golf carts) within the City of Fayetteville.

Staff respectfully requests that this item be removed from the agenda and we will bring it back for Council's review once we have adequately completed our research.

Dell moved to remove proposed Ordinance #0-10-06 – Amendment to the Traffic and Vehicle Ordinance section 82-260 through section 82-267 to address Golf Carts from the agenda. White seconded the motion. The motion carried unanimously.

Mayor Steele stated that Georgia Law requires that certain disclosures have to be made when considering any rezoning.

Mayor Steele asked the Council “to the best of your knowledge gentlemen do you or any member of your family have a property interest in any real property that could be affected beneficially or adversely by the approval or denial of the petitions for rezoning that are under consideration?”

Mayor Steele and all Council Members responded no.

Mayor Steele asked the Council “to the best of your knowledge do you or any member of your family have a financial interest in any business entity which has a property interest in any real property that could be affected, beneficially or adversely, by the approval or denial of the petition for rezoning that is under consideration?”

Mayor Steele and all Council Members responded no.

Mayor Steele asked the City Clerk “to state whether any applicant for rezoning has filed a campaign contribution disclosure report in connection with the petition for rezoning and if so, will the Clerk please indicate whether the applicant made any campaign contributions to the Mayor or a member of the Council aggregating \$250.00 or more within the two (2) years preceding the filing of the petition for rezoning.

Judy Stephens, City Clerk, responded that no disclosure reports had been filed.

Mayor Steele stated that if any member of the public speaks in opposition to the petitions for rezoning, they must first state whether, within the two years immediately preceding the filing of the petition for rezoning that you oppose, you made campaign contributions aggregating \$250.00 or more to the Mayor or any other member of the City Council. If you have, please state whether you have filed a disclosure report with the city within five days of the first hearing on these petitions for rezoning.

Mayor Steele requested that any member of the public that speaks in support or opposition of the petition for rezoning coming under consideration, state their name and address for the record.

Mayor Steele stated that written copies of the zoning standards and the policies and procedures governing the calling and conducting of these hearings are available from the City Clerk if anyone would like a copy.

Mayor Steele called 1<sup>st</sup> Reading on Proposed Ordinance #0-17-06 - Rezoning request from Josh M. Mudd to rezone 2.74 acres from RMF-15 to C-3 (Highway Commercial), property located at 320 West Lanier Avenue in Land lot 124 of the 5<sup>th</sup> District.

Eldridge Gunn, Director of Planning and Zoning advised the applicant is proposing to rezone an approximately 2.74 acre site from RMF-15 to C-1. This will allow them to construct two commercial buildings on the site. One building will be approximately 4,000 square feet and will be used as a bank with three drive-thru lanes. The other building will be an approximately 12,000 square feet two-story building comprised of both retail and office.

The site is located in the Main Street Overlay District and parking is required on the rear of the site. However, the property is triangularly shaped and has three frontages with no real rear. Some reconfiguring of the parking may be needed during the development plan stage if the rezoning is approved. Staff would not be opposed to reducing the amount of parking spaces in the area designed for shared parking between the two buildings. Some of the parking on the applicant's concept plan begins to encroach into the setback on the north side of the property. Combined with the shape of the property, this is evidence that a variance may be necessary once the actual development plans are submitted.

The proposed elevations were reviewed by the Art & Architectural Review Committee and that body found that the architectural design of the building is not compatible with the design standards of the Main Street District. However, the applicant is open to re-designing the architecture of the buildings so that they are compatible the Main Street theme. The committee has also agreed to work with the applicant if the rezoning request for the property is approved.

At the July 25<sup>th</sup> meeting, the Planning and Zoning Commission recommended approval of the proposed rezoning.

The applicant originally requested to rezone the property to C-3 Highway Commercial. However staff felt that the C-3 zoning designation was too intense for the Main Street Overlay District in which the site is located. The C-1 Downtown Commercial zoning district was created to provide and protect the central business district of the city and is intended to be the mixed use, pedestrian oriented district that supports the Main Street Overlay District.

C-1 is compatible with the Future Land Use Map designation of this area as downtown mixed use and it will accommodate the proposed uses that the applicant intends to attract to the site. The applicant's proposed uses are also consistent with the type of mixed-use development advocated in the City's Livable Communities Initiative plan. Staff recommends approval.

As a part of the applicant's rezoning request, staff conducted the attached rezoning assessment concluding recommendation of approval of the zoning request because the request is consistent with the City's Future Land Use map.

The 2.74 acre tract is located at the entrance of the City from the west along Hwy. 54. The proposed development consists of the construction of two buildings: one building will be approximately 4,000 square feet and will be used as a bank with three drive-thru lanes. The other building will be an approximately 12,000 square feet two-story building comprised of both retail and office.

The property east of the site is also zoned RMF-15; south of the site is zoned C-2 Community Commercial; across the street and north of the property is The Villages, zoned PCD Planned Community Development; and west of the property is also part of The Villages and the actual Hwy. 54 road.

The Future Land-Use map calls for downtown mixed-use development at the proposed site.

Josh Mudd, representing this property appeared before council to answer questions anyone might have.

There were no public comments.

Mayor Steele advised this item would come up for a vote at the August 17, 2006 meeting.

**Mayor's Comments:**

Mayor Steele advised that he had research done for him at the Atlanta Regional Commission as far as what other communities have done for Senior Services. Fayette County is unique in that senior services are not a governmental entity. We provide the necessary matching funds to obtain federal funding. It is extremely important and actually a federal mandated service of the county. We have to provide this service. I checked Douglas County, Cherokee County, Rockdale County, and Henry County. Senior Services in these counties are funded by government. The support provided by the City of Fayetteville and Fayette County saves the taxpayers over \$150,000.00 a year. The closest county to us in funding is Rockdale County. Fayette County provides \$167,000.00 a year to Fayette Senior Services. Rockdale County, the regions smallest county spends \$291,825.00. Henry County, which is about 25% larger population spends \$2,200,053.00. Thus, Fayetteville's support of the Fayette Senior Services is very appropriate.

Price moved to adjourn the meeting. Dell seconded the motion. The motion carried unanimously.

Respectfully submitted,

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Judy Stephens, City Clerk